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4 UNITED STATES DISTRICT COURT
5 SOUTHERN DISTRICT OF CALIFORNIA
6

7 ZACK AARONSON, as an individual
8 and on behalf of all others similarly
9 situated,

10 Plaintiffs,

11 vs.

12 VITAL PHARMACEUTICALS, INC.,
13 a Florida Corporation, dba VPX,

14 Defendant.
15

CASE NO. 09-CV-1333 W (BGS)

**ORDER DENYING WITHOUT
PREJUDICE VPX'S MOTION TO
DENY CLASS CERTIFICATION
AND TO DISMISS THE ACTION
[DOC. 38]**

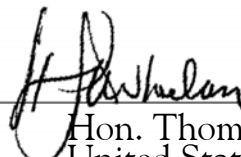
16 Pending before the Court is Defendant Vital Pharmaceuticals, Inc's ("VPX")
17 motion for denial of class certification and dismissal of the action.

18 On February 23, 2011, this Court granted Plaintiff Zack Aaronson's ex parte
19 application to extend the deadline to complete discovery pertaining to class-certification
20 issues. (*See Order* [Doc. 48], 5:27–6:2.) In light of the extended deadline, the Court
21 **DENIES WITHOUT PREJUDICE** Defendant VPX's motion [Doc. 38].

22 Upon completion of class-certification discovery, VPX may re-file its motion.

23 **IT IS SO ORDERED.**
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25 DATED: February 24, 2011

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28 Hon. Thomas J. Whelan
United States District Judge

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